

### REMARKS

This responds to the Final Office Action mailed on May 29, 2009.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-4, 6-16, and 18-20 remain pending in this application.

#### § 103 Rejection of the Claims

Claims 1-4, 6-8, 16, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer (U.S. 2003/216969 A1) in view of Horwitz (U.S. 2003/0083964 A1). Applicants respectfully submit that the claims are patentable over the combination of Bauer and Horwitz, because the cited prior art, when considered as a whole, does not describe or suggest all claimed elements. Accordingly, Applicants respectfully traverse the rejection.

Before addressing the specific differences between Applicants' claimed invention and the cited prior art, Applicants would like to point out that the relied upon references (specifically, the Bauer reference) do not aim to solve the same problem(s) addressed by Applicants. Applicants' claims are directed to an asset management system, whereas Bauer is directed to an inventory management system. As stated in the Background section of Applicants' specification, when implementing a maintenance management solution [for assets], "[one] challenge ... may be deciding upon the scope of the project, which depends in part on which pieces of equipment the company decides are critical and could be relevant for maintenance improvements."

(Applicants' Specification, Paragraph [0004]). As such (and as described below), one feature of Applicants' claimed invention involves a mechanism for removing from an asset management system any data that, over time, proves to be unimportant, for example, because it is not relevant with regard to tracking maintenance improvements. Accordingly, one aspect of Applicants' claimed invention relates specifically to the management (e.g., removal) of data in an asset management system.

In contrast, the relevant cited portions of Bauer address an inventory management problem. Specifically, the inventory management system of Bauer aims to identify when items of inventory have expired, and are to be removed from inventory (e.g., store shelves). Because

the problems being addressed are different, it should be no surprise that the cited references do not describe all the claimed elements in Applicants' claims.

Turning now to the claims, Applicants' claim 1 is directed to an asset management system, and recites in part:

wherein master data is selected from object data and the selections of the master data includes at least one fade out indicator that is stored as associated with the master data and is used to remove data that are not accessed or modified by a fadeout date.

As recited in claim 1, the master data is associated with one or more fade out indicators, which are used to remove data that are not accessed or modified by a fadeout date. The cited prior art does not describe or suggest this claim element.

Whereas Applicants' claim 1 is directed to an asset management system, Bauer generally relates to an inventory management system that collects item information (data) from RFID tags attached to items of inventory. (Bauer, Abstract) According to Bauer, the item information may include information about the shelf life of an item in inventory:

A shelf life may be a period of time that an item may be allowed to be included in item inventory 170. For example, perishable products, such as milk, may have a limited period of time that they may be presented on a shelf for sale to a customer. Non-perishable products may also have a limited period of time to be present in inventory 170 based on one or more factors, such as previous sales of items of a similar type, limited promotional time frames, etc.

(Bauer, Paragraph [0040]). As such, Bauer describes a system having item information (e.g., shelf life data) that indicates when an item of inventory should be removed from inventory (e.g., a store shelf). According to Bauer, the item information (shelf life data) corresponds to an item of inventory (e.g., a perishable product). Additionally, the item information (e.g., shelf life data) indicates when the item of inventory will expire, and therefore, is to be excluded or removed from inventory.

In contrast to what is described in Bauer, Applicants claim 1 refers to a "fade out indicator" that is associated with (or, corresponds to) master data, not an item of inventory. Furthermore, the claimed "fade out indicator" is used to remove data when the data have not been accessed or modified by a certain date, for example, the fadeout date. Accordingly, the

claimed “fadeout date” indicates when data are to be removed from an asset management system, not when an item is to be removed from inventory. Furthermore, according to claim 1, the data are to be removed because the data have not been accessed or modified, not because the data have expired. Stated differently, Bauer does not describe an asset management system with a master data management system that selects master data and “at least one fade out indicator that is stored as associated with the master data and is used to remove data that are not accessed or modified by a fadeout date.”

In the Final Office Action, the Examiner asserts that the above-quoted claim element is described in Bauer, particularly at paragraphs [0040], [0055] and [0098]. Applicants disagree. As stated above, paragraph [0040] refers to item information used by an inventory management system to indicate when an item is to be removed from inventory. Paragraphs [0055] and [0098] simply refer to the shelf life information as an “expiration date” and “useful life of an item”. None of the cited paragraphs describe the item information as being used to remove data from an asset management system because the data have not been accessed or modified, as is claimed in claim 1.

In addition to citing paragraphs [0040], [0055] and [0098] of Bauer, the Examiner states on page 3 of the Final Office Action:

An indication of an expiration of a useful life of an item (i.e. a shelf life) would, in effect, remove the data indicating a useful life remaining for an item, unless said data was modified before an expiration date (i.e. by fadeout date). One example of said modification would be to extend the promotional time frame for the item (par 0040).<sup>1</sup>

In the above quoted-passage, the Examiner suggests that the shelf life data (i.e., the item information representing the shelf life) would effectively be removed from the system of Bauer, if the shelf life data is not modified prior to the passing of the date indicated by the shelf life data. For instance, the Examiner suggests that, when the inventory item expires, the item information representing the shelf life data would automatically be removed from the inventory management system. Applicants respectfully disagree. There is nothing in Bauer to suggest that any data is removed upon the expiration of an item of inventory. Moreover, the Examiner does

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<sup>1</sup> Final Office Action, page 3

not provide any evidence to support the assertion. The Examiner refers to an example in which a shelf life might be modified due to a promotion. However, the example is irrelevant because it does not establish, nor is it even suggestive of, data being removed from a system upon the expiration of an item in inventory.

Horwitz does not cure the defect in Bauer. Horwitz provides “a method for tracking each item in a cluster of items.” (Horwitz, Paragraph [0021]). Nonetheless, Horwitz does not describe the limitation that Applicants showed above to be missing from Bauer. Accordingly, Bauer and Horwitz, individually or in combination, fail to teach each and every element of claim 1.

Thus, Applicants respectfully submit that independent claim 1 and its dependent claims 2-4 and 6-8 are not rendered obvious by the combination of Bauer and Horwitz and are in condition for allowance. Furthermore, the dependent claims may be patentable for their own limitations.

Similar arguments as presented with respect to claim 1 are also applicable to independent claims 16 and 20. Thus, at least for those reasons articulated above with respect to claim 1, the proposed combination of Bauer and Horwitz does not render these claims and their dependent claims 18-19 obvious. Accordingly, claims 16 and 18-20 are believed to be in a condition for allowance.

Claims 9-10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer modified by Horwitz in view of Nicastro (U.S. 2002/0073114 A1).

Claims 9-10 and 12 are dependent on claim 1. Applicants assert that, for the reasons stated in the prior section, Bauer in view of Horwitz does not teach or suggest all of the claim elements of claim 1. Moreover, the Final Office Action’s proposed combination with Nicastro does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection and allowance of dependent claims 9-10 and 12.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer modified by Horwitz in view of Nicastro and further in view of Cesar (U.S. 6,172,596 B1).

Claim 11 is dependent on claim 1. Applicants assert that, for the reasons stated above, Bauer in view of Horwitz does not teach or suggest all of the claim elements of claim 1; moreover, the Final Office Action’s proposed combination with Nicastro in view of Cesar does

not cure the defect. Therefore, Applicants respectfully request withdrawal of the 103(a) rejection and the allowance of dependent claim 11.

Claims 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer modified by Horwitz in view of Nicastro and further in view of Seelinger (U.S. 2002/0087554 A1).

Claims 13-15 are dependent on claim 1. Applicants assert that, for the reasons stated above, Bauer in view of Horwitz does not teach or suggest all of the claim elements of claim 1; moreover the Final Office Action's proposed combination with Nicastro in view of Seelinger does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection and allowance of dependent claims 13-15.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28<sup>th</sup> day of July, 2009.

Dawn R. Shaw

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